GOVERNMENT OF INDIA
MINES
LOK SABHA

UNSTARRED QUESTION NO:4769
ANSWERED ON:15.12.2016
Guidelines for Sand Mining
Goud Dr. Boora Narsaiah

Will the Minister of MINES be pleased to state:

(a) the details of existing sand mining activities on all the river banks in the country, State-wise;

(b) whether sustainable sand mining management guidelines have been implemented in various States/UTs, if so, the details thereof; and

(c) if not, the reasons therefor along with the time by which these are likely to be implemented?

Answer

(a) to (c): Sand is a minor mineral, as defined under section 3(e) of the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act). Section 15 of the MMDR Act empowersstate governments to make rules for regulating the grant of mineral concessions in respect of minor minerals and for purposes connected therewith. The regulation of grant of mineral concessions for minor minerals is, therefore, within the legislative and administrative domain of the state governments. Under the power granted to them by section 15 of the MMDR Act, State Governments have framed their own minor minerals concession rules.

Further,section 23C of theMMDR Act, 1957 empowers state governments to frame rules to prevent illegal mining, transportation and storage of mineralsand for purposes connected therewith. Control of illegal mining is, therefore, under the legislative and administrative jurisdiction of state governments.

Ministry of Environment, Forest and Climate Change has issued Sustainable Sand Mining Management Guidelines, 2016, which, inter-alia, addresses the issues relating to regulation of sand mining. The salient features of the Guidelines in this regard are as follows:

i. It provides for a detailed programme for ensuring that mining of river sand is done in a sustainable manner;

ii. Grant of Environment Clearance for minor minerals, including sand and gravel, for mining lease of area up to 5 hectare will be done by the District Environment Impact Assessment Authorityheaded by the District Collector / District Magistrate.

iii. Removal of sand accumulated on the agricultural field after cessation of flooding will not be considered as mining operation and its removal and selling can be allowed without the requirement of environment clearance till it is done only to the extent of reclaiming the agricultural land.

iv. Exemption of certain cases from being considered as mining for the purpose of requirement of environment clearance like: (i) extraction of ordinary clay or ordinary sand manually by hereditary Kumhars (Potter) who prepare earthen pots on a cottage industry basis; (ii) extraction of ordinary clay or ordinary sand manually by earthen tile makers who prepare earthen tiles on a cottage industry basis; (iii) removal of sand deposited on agricultural field after flood by owner farmers; (iv) customary extraction of sand and ordinary earth from sources situated in Gram Panchayat for personal use or community work in village;(v) community works like desilting of village ponds / tanks, rural roads under taken in MGNREGS and other Government sponsored schemes; (vi) dredging and desilting of dam, reservoirs, weirs, barrages, river, and canals for maintenance and upkeep and avert natural disaster provided the dredged material is used departmentally. If the dredging activities are under taken for the purpose of winning mineral and selling it commercially it will be considered mining.

******